

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JAMES W. CRAWFORD,)

Plaintiff)

v.)

No. 4:05-cv-29

JO ANNE B. BARNHART,)

Commissioner of
Social Security,)

Defendant)

MEMORANDUM AND ORDER

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for judgment on the pleadings [Court File #17] and defendant's motion for summary judgment [Court File #21]. In a report and recommendation filed June 12, 2006, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has filed no timely objection to the report and recommendation and is therefore deemed to have waived any response. Rule 7.2, Local Rules for the United States District Court for the Eastern District of Tennessee.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States magistrate judge. Specifically, there is substantial evidence in the record to support the conclusion of the administrative law judge that plaintiff is able to perform his past relevant work.

Accordingly, the report and recommendation of the United States magistrate judge [Court File #23] is hereby ACCEPTED IN WHOLE. Plaintiff's motion for judgment on the pleadings [Court File #17] is DENIED; defendant's motion for summary judgment [Court File #21] is GRANTED; and this action is hereby DISMISSED.

ENTER :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE